

FAIR HOUSING REGULATORY REVIEW COMMITTEE MEETING

MINUTES

Members of the Fair Housing Regulatory Review Committee met on March 19, 2008 at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Marjorie Clark, Member, Real Estate Board, Committee Chairman
Carol Clarke, Chairman, Real Estate Board
Florence Daniels, Chairman, Fair Housing Subcommittee, Real Estate Board
Stephen McMaster, Member, Fair Housing Board
David Rubinstein, Chairman, Fair Housing Board

Staff present for all or part of the meeting were:

Lizbeth Hayes, Fair Housing Administrator
Christine Martine, Executive Director, Real Estate Board and Fair Housing Board
Deanda Shelton, Assistant Fair Housing Administrator

R. Thomas Payne, II, Assistant Attorney General and counsel for the Fair Housing Board and Real Estate Board was present.

Ms. Clark called the meeting to order at 2:15 p.m.

Call to Order

There was no attendance by the public.

Public Comment

Mr. McMaster moved to approve the minutes of the committee's February 12 meeting, with the following amendments:

Approval of Meeting Minutes

- *Correction to the spelling of David Rubinstein's name.
- *Including the times of the committee's meetings.
- *Correction of the typographical error on page 2 under Discussion of Regulatory Review Process.

Ms. Clark seconded the motion.

The motion passed by a unanimous vote.

The committee members were provided with the draft proposed regulations for the definition of "authorized representative." After discussion, the committee agreed that (iv) of the definition should read as follows:

Discussion of Previous Recommended Changes

" . . . such authority shall be made to the board either in writing or orally in appearance before the board, and shall

be accepted by the representative by sending a written acknowledgment to the board or by the representative's appearance before the board."

The committee agreed that the phrase "and any other conduct prohibited by the Virginia Fair Housing Law" will be added to the last paragraph of 18VAC135-50-20, Purpose.

The committee agreed that the phrase "any other discriminatory conduct prohibited by the Virginia Fair Housing Law" will be added to the end of 18VAC135-50-50, Scope.

Mr. Payne stated that he had not had a chance to speak with Emily Wingfield about the definition of "person in the business of selling or renting dwellings" but the definition may be consistent with wording in the statute.

Mr. Payne stated also that he spoke with Carol Mitchell, Director, Alternative Dispute Resolution, who stated that there is no conflict with the wording of the requirement for an authorized representative to make an oral or written appearance before the board with regard to conciliation conferences.

Ms. Daniels questioned whether 18VAC135-50-110.D, Publisher's notice, should be specific to explain Table III, Appendix I to 24 CFR Part 109, Ch. 1 (4-1-00 edition). Mr. Rubinstein suggested removing the reference to the regulation and stating that the notice could be obtained from the Department. The committee decided that the reference to the federal regulation should remain in the regulation; however, the committee will remove the date of the edition and state "edition in effect."

**Discussion of Part
II, Regulated
Conduct**

Ms. Clarke suggested changing the word "convey" to "imply" in 18VAC135-50-110.C.1. The committee agreed to the change.

Mr. McMaster suggested changing the term "handicap" in the regulations to disability. The committee discussed whether a change in the statute from "handicap" to "disability" is necessary in order to change the regulations. Mr. Payne suggested that the definition of handicap in the regulations can include a statement that handicap is synonymous with disability. The committee agreed to include the statement in the definition of handicap.

Mr. McMaster suggested changing the word "drawbacks" to "deficiencies" in 18VAC135-50-100.A.2. The committee agreed to change the word.

The committee was provided with a copy of the Joint Statement of the Department of Housing and Urban Development (HUD) and Department of Justice (DOJ) on Reasonable Accommodations under the Fair Housing Act.

Open Discussion

There being no further business, the meeting was adjourned at 3:53 p.m.

Adjourn

Marjorie Clark, Chair